

APPLICANT(S): GILREATH, Mark G. et al.
SERIAL NO.: 10/617,372
FILED: July 11, 2003
Page 2

REMARKS

The present Response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested. Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 1-4, 7-11 and 18-23 are pending in the application. Claims 1-4, 7-11 and 18-23 have been rejected. No amendments are being made in this paper.

35 U.S.C. § 103 Rejections

The Examiner rejected claims 1-4, 7-10, 18-20 and 22-23 under 35 U.S.C. § 103(a), as being unpatentable over Ueda et al. (US Patent No. 5,681,260) in view of any of Meron et al. (US Pat. App. 2002/0042562, “Meron”), Takahashi (US Pat. 4,500,181, “Takahashi ‘181”), Brown (US Pat. 6,966,906), and Takahashi (US Pat. 4,942,867, “Takahashi ‘867). Applicants traverse this rejection in view of the remarks that follow.

The Examiner cites Meron, Takahashi ‘181, Takahashi ‘867, and Brown, for the limitation of the illumination source and the image sensor are behind a single optical window, as claimed in currently pending claim 1 of the present application.

Both Meron and the present application were assigned to Given Imaging, Ltd. Therefore, under 35 U.S.C. § 103(c), Meron is not available as a reference. Since Meron has gone abandoned, no terminal disclaimer is necessary.

Applicants assert that none of Takahashi ‘181, Takahashi ‘867, and Brown include an illumination source and an image sensor behind a single optical window.

Takahashi ‘181 describes an endoscope where, behind a prism (10, 14, 18), not a window, a light guide 6 is placed. Takahashi ‘181 does not describe any “image sensor” as required in claim 1, described in the present application as, for example, a device generating

APPLICANT(S): GILREATH, Mark G. et al.

SERIAL NO.: 10/617,372

FILED: July 11, 2003

Page 3

analog or digital signals, or for example a CMOS or CCD imager (Applicants' Specification, page 9).

Takahashi '867 describes an endoscope where, behind two separate windows (See Abstract and numbered items 13 and 14), separate from cover 21, is an image guide fiber bundle 19. Takahashi '867 does not describe any "image sensor" as required in claim 1 of the present application, and as described in the Specification of the present application.

Brown describes an endoscope where, behind the same lens (46), fibers (39) for illuminating and for viewing tissue are placed. Lens 46 of Brown is not equivalent to the "optical window" of Applicants' claim 1. Further, Brown does not include any "image sensor" as required in claim 1, and as described in the Specification of the present application.

For a combination of references to make obvious a claim, the combination must include each and every element of the claim. Since the combination of Ueda and any of Takahashi '181, Takahashi '867, and Brown does not include all elements of Applicants' claim 1, claim 1 is allowable over these combinations of references. Each of claims 2-4, 7-10, 18-20 and 22-23 depends, directly or indirectly, from claim 1, and is therefore likewise allowable.

Applicants request that the Examiner withdraw the rejection of claims 1-4, 7-10, 18-20 and 22-23 under 35 U.S.C. § 103(a), as being unpatentable over Ueda, Meron, Takahashi '181, Brown, and Takahashi '867.

The Examiner rejected claim 11 under 35 U.S.C. § 103(a), as being unpatentable over Ueda in view of any of the other references used to reject claims 1-4, etc., and further in view of Ishikawa et al. (US Patent No. 6,264,611). The Examiner rejected claim 21 under 35 U.S.C. § 103(a), as being unpatentable over Ueda in view of any of the other references used to reject claims 1-4, etc., and further in view of Snone et al. (US Patent No. 5,846,221).

Each of claims 11 and 21 depends from claim 1, which, as described above, is allowable over Ueda, Takahashi '181, Takahashi '867, and Brown, alone or in combination. As discussed, Meron is not available as a prior art reference. Neither Ishikawa nor Snone

APPLICANT(S): GILREATH, Mark G. et al.
SERIAL NO.: 10/617,372
FILED: July 11, 2003
Page 4

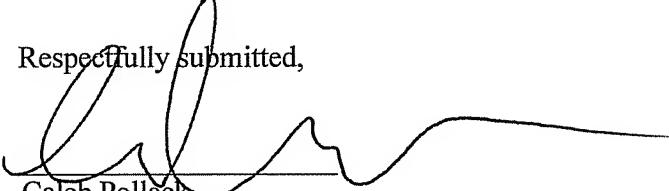
cure the deficiencies of Ueda, Takahashi '181, Takahashi '867, and Brown. Therefore, claims 11 and 21 are likewise allowable.

Applicants request that the Examiner withdraw the rejection of claims 11 and 21.

In view of the foregoing amendments and remarks, Applicants assert that the pending claims are allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Separate from the fees for the petition for a one-month extension of time, being paid separately, no fees are believed to be due in connection with this paper. However, if any such fees are due, please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,

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Dated: August 29, 2008

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